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C O N F I D E N T I A L SECTION 01 OF 02 ZAGREB 001380

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SUBJECT: DEBATE ON GLAVAS DETENTION DIVIDES PARLIAMENT

Ref: Zagreb 1352 and previous

Classified By: Political Officer Tom Selinger for reasons 1.4 (b)  
& (d).

**¶1.** (U) SUMMARY AND COMMENT: Speaker of Parliament Vladimir Seks postponed a vote today that may have led to the release of MP Branimir Glavas from detention (reftels). The planned vote did not have PM Ivo Sanader's support and had sparked widespread public criticism. Glavas has been in detention and reportedly on a hunger strike since October 26, when Parliament's Mandates and Immunities Committee voted to accept a Zagreb County Court request to detain him to prevent witness tampering in the so-called "Garage" war crimes investigation. The full Parliament must now vote on whether to confirm that decision, which would keep Glavas in detention until late November when witness testimony before the investigative judge will be completed, and consider a separate Osijek County Court request to allow Glavas' investigative detention for up to one year based on the gravity of the war crimes in the so-called "Cello-tape" case.

**¶2.** (C) The issue has dominated public discussion since Seks, without the PM's concurrence, announced during a November 15 parliamentary debate that the ruling Croatian Democratic Union (HDZ) favored only the shorter detention and would vote to deny lifting Glavas' immunity for the one-year detention, citing a seemingly random judicial precedent when subjects of a similar investigation were not detained. Domestic and international critics called the HDZ's stance an example of parliamentary pressure on the judiciary.

**¶3.** (C) Ambassador Bradtke warned two key ministers close to Sanader of the importance of this issue, noting that the wrong decision could be very damaging to Croatia's reputation, particularly in the wake of PM Sanader's successful DC visit. Both ministers commented that the PM had not supported Seks' action and had spent much of the previous day dealing with the problem. When asked what the PM would do now, Finance Minister Ivan Suker replied indirectly that there was "no going back on the path of reform." The Ambassador intends to raise this issue directly with Sanader on November 18 with Ambassador-at-Large for War Crimes Issues Clint Williamson when they attend a ceremony to honor war victims in Vukovar. END SUMMARY AND COMMENT.

MYSTERIOUS MOTIVES

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**¶4.** (C) Seks' reasons for pushing for an early end to Glavas' detention remain unclear, but theories are plentiful. Glavas has threatened in the past to bring the Speaker down with him, since Seks was chief of the local wartime Crisis Headquarters at the time of some of the crimes, technically Glavas' superior in the chain of command. While this is the most sensible explanation, those involved in the current investigations have repeatedly told post that Seks had little operational authority and is not

implicated by the evidence to date.

¶ 15. (C) Seks publicly explained that he feared Glavas might die on his hunger strike. The HDZ could then suffer a right-wing backlash in Slavonia, where they have just begun to recover from the thumping they received in the May 2005 local elections at the hands of Glavas' breakaway regional party. With parliamentary elections due in November 2007, the HDZ is clearly calculating how best to protect its right flank. Conversely, MP and former Osijek mayor Zlatko Kramaric told PolOff November 16 he advised PM Sanader that releasing Glavas would be political suicide in Slavonia, saying Glavas' release would send the wrong message both to the judicial officials and witnesses who worked so courageously on the case and to the international community. Although a member of the governing coalition, his Croatian Social Liberal Party (HSLS) will vote against the HDZ proposal, he said.

#### INTERNATIONAL IMPLICATIONS

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¶ 16. (C) Whatever the motives, the HDZ's hesitation on Glavas' detention has already sparked intense reactions. Parliamentary opposition leaders have said the Parliament has no business picking and choosing which statute or judicial precedent applies to the Glavas investigations -- these are matters for the courts. The Chief State Prosecutor's Office told Post November 17 that the Parliament's role is simply to decide whether there is justification to waive immunity, not the specifics of how detention is applied.

¶ 17. (C) International observers shared that assessment. Head of the European Commission Delegation in Zagreb Vincent Degert publicly stated that the EU would keep a very close eye on the Glavas case. He told Ambassador Bradtke privately November 17

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that Glavas' release would send a very negative signal about the independence of the judiciary in Croatia. Hague Tribunal Head of Mission Thomas Osorio called Seks' handling of the Glavas detention issue "unacceptable."

BRADTKE